



Sen. Heather A. Steans

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09900SB1800sam001

LRB099 09086 AWJ 32456 a

1 AMENDMENT TO SENATE BILL 1800

2 AMENDMENT NO. _____. Amend Senate Bill 1800 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-20-16 as follows:

6 (65 ILCS 5/11-20-16)

7 Sec. 11-20-16. Retail food establishments.

8 (a) A municipality in a county having a population of
9 2,000,000 or more inhabitants must regulate and inspect retail
10 food establishments in the municipality. A municipality must
11 regulate and inspect retail food establishments in accordance
12 with applicable federal and State laws pertaining to the
13 operation of retail food establishments including but not
14 limited to the Illinois Food Handling Regulation Enforcement
15 Act, the Illinois Food, Drug and Cosmetic Act, the Sanitary
16 Food Preparation Act, the regulations of the Illinois

1 Department of Public Health, and local ordinances and
2 regulations. This subsection shall not apply to a municipality
3 that is served by a certified local health department other
4 than a county certified local health department.

5 A home rule unit may not regulate retail food
6 establishments in a less restrictive manner than as provided in
7 this Section. This Section is a limitation of home rule powers
8 under subsection (i) of Section 6 of Article VII of the
9 Illinois Constitution on the concurrent exercise by home rule
10 units of the powers and functions exercised by the State.

11 (b) A municipality may enter into an intergovernmental
12 agreement with a county that provides for the county's
13 certified local health department to perform any or all
14 inspection functions for the municipality. The municipality
15 must pay the county's reasonable costs. A municipality may
16 enter into an intergovernmental agreement with a local health
17 district, as defined in Section 11 of the Public Health
18 District Act and that serves the entire municipality, to
19 regulate and inspect retail food establishments for the
20 municipality. An intergovernmental agreement shall not
21 preclude a municipality or local health district from
22 continuing to license retail food establishments within its
23 jurisdiction.

24 (b-5) Notwithstanding subsections (a) and (b) of this
25 Section, a retail food establishment that presents a low
26 relative risk of causing foodborne illness according to the

1 criteria set forth in 77 Ill. Adm. Code Part 615 and is located
2 in a municipality having a population of 2,000,000 or more
3 shall either (1) receive one inspection every 2 years; or (2)
4 if required by the local health department, submit one
5 self-inspection report every 2 years. A local health department
6 under this subsection must develop the self-inspection form and
7 submit it to the Department of Public Health for approval
8 before it may be used.

9 (c) For the purpose of this Section, "retail food
10 establishment" includes a food service establishment, a
11 temporary food service establishment, and a retail food store
12 as defined in the Food Service Sanitation Code, 77 Ill. Adm.
13 Code Part 750, and the Retail Food Store Sanitation Code, 77
14 Ill. Adm. Code Part 760.

15 (Source: P.A. 98-193, eff. 8-6-13.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."